

III. Remarks

This amendment is submitted in response to the Office Action mailed on April 4, 2007. In view of the above amendments and the reasons set forth below, Applicant respectfully requests reconsideration and allowance of the present application and its claims.

A. Corrections as to Form Made to the Specification and Claims

Applicants herewith submit a number of corrections to the text of the specification and to several of the claims to correct matters of form and, in a few cases, to clarify the description of the invention. These are set forth above and are summarized and discussed briefly here.

Minor spelling and grammar corrections have been made to a number of paragraphs. In paragraph 7, “devices” has been changed to “device.” In paragraphs 23 and 38, “user’s” has been changed to “users.” In paragraph 43, “what the problem the user ...” has been corrected to read “what problem the user” In paragraph 49, “the device tester 34 in could instead ...” has been corrected to read “the device tester 34 could instead” And the reference number “106” has been added to the phrase “the user sender 106” in paragraph 53.

In paragraphs 33, 34, 39 (two instances), and 43 (two instances), and in claims 2 (lines 3 and 4), 10 (line 15), and 14 (line 15), “an” has been changed to “a” to change “an network” to “a network.” In paragraph 51, “a” has been changed to “an” to change “a HTML page” to “an HTML page.”

Paragraphs 11 through 14 were inadvertently indented in the application as filed. They are resubmitted here un-indented. Paragraph 11, in addition, also includes a minor spelling correction.

In claim 8, line 2, the phrase “from computer” has been changed to “from the computer.”

In claim 14, line 19, the phrase “by a user” has been changed to “by the user.”

In paragraphs 21, 32, 36, 42, and 51, and also in claims 10 and 12, the phrase “network-page” has been changed to “web page.” By way of brief explanation, in this application as filed a “web browser” is called a “network browser” and a “web page” is called a “network page.” Since the phrase “network page” is not commonly used in the industry, applicants feel that it might be misunderstood or misinterpreted to mean something other than “web page,” particularly in the context of claim interpretation. Accordingly, applicants respectfully request that the Examiner approve this clarifying change.

In paragraph 31, the phrase “a device vendor, a computer vendor, or an operating vendor” has been corrected to read “a device vendor, a computer vendor, or an operating system vendor.”

In paragraph 36, the phrase “to run ... without the user needed to ... download ...” has been corrected to read “to run ... without the user needing to ... download”

In paragraph 42, the phrase “... is programmed to send pre-determined suggestions to particular support requests” has been corrected and re-phrased to read “... is programmed to send pre-determined suggestions in response to particular requests for support.”

Applicant submits that none of these corrections of grammar and spelling and none of these clarifying corrections and re-phrasings introduces any new matter to the specification. The Examiner is asked to review these amendments to insure that no new matter has been inadvertently introduced by these corrections.

B. Rejection of the Claims under 35 USC §102(e) and §103(a)

The Examiner states that claims 1, 10, and 14 and dependent claims 2, 6-9, and 11-12 are anticipated (under 35 U.S.C. §102(e)) by U.S. Patent No. 6,539,499, which issued to Roy W. Stedman, *et al.* on March 23, 2003 (and which was filed on October 6, 1999). The Examiner further states that the remaining claims 3-5 and 13 are obvious (under 35 U.S.C. §103(a)) in view of the combination of Stedman, *et al.* and U.S. Patent No. 6,279,125 which issued to Deah A. Klein on August 21, 2001. Briefly summarized, the Examiner takes the position that

Stedman, *et al.* discloses all the elements of all the claims save for the elements of claims 3 and 13 that require “using the standard APIs of the operating system ... to execute the enumerating and testing steps.” (Office Action mailed April 30, 2007, page 7, lines 18-19; see also page 9, lines 7-8) The Examiner thus finds claims 1-2, 6-10, and 11-12 to be fully anticipated by Stedman, *et al.*, while claims 3 and 13 (and also claims 4-5 which are dependent upon claim 3) are obvious in view of Stedman, *et al.* and Klein taken together.

As will be explained more fully below, claims 3 and 13 have been canceled, and independent claims 1, 10, and 14 have been amended to include limitations formerly found in claims 3 and 13. The amended claims are believed to be in condition for allowance. Applicants respectfully request reconsideration and allowance of the claims in view of the amendments and in view of the discussion which follows. Since these three independent claims are believed to be allowable, the remaining dependent claims are also believed to be allowable through their dependency upon allowable claims 1 and 10.

The Stedman, *et al.* patent does not anticipate the independent claims 1, 10, and 14. Briefly summarized, the Stedman, *et al.* patent teaches testing and repairing, not testing and then formatting and reporting the test results as the present claims require. The following discussion focuses upon claim 1 as representative of claims 1, 10, and 14.

The Examiner cites column 6, lines 52-60 of the Stedman, *et al.* patent as teaching the installation of an “information harvester and formatter on [a] ... computer....” (claim 1, line 3; similar language appears in claim 10, line 4 and line 12, and in claim 14, line 3 and line 11) But this passage of the Stedman, *et al.* patent says nothing at all about a formatter or formatting – all it says is that a computer specialist can download test software onto a computer and then run tests. The teachings of Stedman, *et al.* in the passage cited by the Examiner thus does not match the requirements set forth in claims 1, 10, and 14.

The Examiner states that the language in claim 1 which calls for “formatting at least some of the collected information for display to the user and presentation to the support specialist”

(lines 10-11 of claim 1; similar language appears in lines 12-14 of claim 10 and in lines 11-12 of claim 14) is anticipated by column 5, lines 34 to 39 of the Stedman, *et al.* patent. But this passage in the Stedman, *et al.* patent says only that when all attempts at repair fail, the user may be presented with materials including “a more detailed technical description of the operation of the ... component” (Stedman, *et al.*, col. 5, lines 35-37) and also including descriptions of any tests that were performed. (Stedman, *et al.*, col. 5, lines 37-39) This passage in the Stedman, *et al.* patent does not say nor teach that data indicative of test results (as opposed to test descriptions), formatted for display to the user and a support specialist, is also included in these materials, as independent claims 1, 10, and 14 all specifically require. Hence, this passage in Stedman, *et al.* does not match nor anticipate the teachings of the present claims at this point.

The Examiner further states that this same passage in claim 1 (and the corresponding passages in claims 10 and 14) is anticipated by column 6, lines 1-4 of the Stedman, *et al.* patent, which says: “Once the user enters the query, the diagnostic application will package the query as an electronic transmission to the computer manufacturer’s support specialists.” Again, this Stedman, *et al.* patent passage says nothing about gathering and formatting component identification and test result information for presentation to a user and to a support specialist, as the claims so clearly require. Stedman, *et al.* at this point teaches only that the user’s question (and not formatted data representing test results) is packaged and forwarded to support specialists. Again, the teachings of Stedman, *et al.* in this passage do not match the requirements set forth in claims 1, 10, and 14.

The Examiner next refers to the passage in claim 1 (lines 10-11) which requires “displaying the formatted information as part of a user display also having provision whereby a user may enter additional comments ...” and indicates this passage is anticipated by lines 37-39 and lines 64-66 in column 5 of the Stedman, *et al.* patent. But as was explained above, lines 37-39 of Stedman, *et al.* say only that the “diagnostic tests performed on the component” are “described” in a screen presentation. At this point, Stedman, *et al.* does not say nor teach that data defining test results (as opposed to descriptions of tests) are formatted and then displayed in

a screen presentation, as claims 1, 10, and 14 require. Lines 64 and 66 in column 5 of Stedman, *et al.* teach only that the user is presented with a dialog box, and this does not remedy the above deficiency in the teachings of the Stedman, *et al.* patent in lines 37-39 of column 5.

For all of the above reasons, the Stedman, *et al.* patent does not anticipate any of the claims presently before the Examiner. The independent claims 1, 10, and 14 are clearly patentable over Stedman, *et al.*, and the dependant claims 2, 3-9, and 11-12 are patentable in view of their being dependant upon allowed claims 1 or 10.

Applicants have also canceled claims 3 and 13 and have amended the independent claims 1, 10, and 14 so that they now require the device testing apparatus and steps to use the “standard APIs of the operating system ... to execute at least some of the testing steps, ...” (claim 1, lines 5-6; similar language appears in claim 10, lines 9-11 and in claim 14, lines 8-10).

Accordingly, all of the claims now before the Examiner, as amended, now contain a limitation – using operating system calls to test components – that the Examiner has agreed Stedman, *et al.* fails to disclose (Office Action mailed April 30, 2007; page 7, lines 18-19 and page 9, lines 7-8)

The Examiner maintains that The Klein patent teaches this, but applicant submits this is not true. The new claim language added to independent claims 1, 10, and 14 requires that at least some actual “device testing” be performed using standard operating system calls. This specific claim requirement is not satisfied by simply gathering configuration information from the computer, from devices, and from the operating system, as the Klein patent teaches. The Klein patent does not disclose nor teach gathering data indicative of the results of testing, formatting that test result data, and displaying it to the user or to a support specialist.

The present application teaches that data indicative of the results of testing must be gathered, formatted, and then displayed to the user or a support specialist; and an operating system call must be used to gather at least some of this data. “[T]he device tester 304 allows the

information harvester 300 to gather detailed information about a device 108. Such information may include the ... device error code....” (application, paragraph 37, lines 7-8) “... [T]he device enumerator 302 and the device tester 304 use standard Wineows APIs (application programming interface) to perform their enumeration and testing functions instead of proprietary APIs.” (application, paragraph 38, lines 1-3) An exemplary computer program that implements the present invention’s device tester 304 is presented in Appendix D of the present application (pages 26-30). On page 31 of Appendix D, this program retrieves a status code from the operating system (lines 4-5 of Appendix D, page 31). The program then generates, for example, one the following test result messages in accordance with this status code:

“Device is disabled” (line 15 of Appendix D, page 31)

“Device has a problem” (line 23 of Appendix D, page 31)

“Device has a problem reported by the driver” (line 28 of Appendix D, page 31)

“Device has been started” (line 34 of Appendix D, page 31)

“Device is currently stopped” (line 40 of Appendix D, page 31)

Clearly, the present application both teaches and claims testing devices (step 306 in Figure 3), obtaining test results (step 310 in Figure 3) from the operating system (paragraph 38), formatting the test results (step 206 in Figure 2), and displaying the test results to the user (step 208 in Figure 2) and to the support specialist (steps 118 and 120 in Figure 1). This goes far beyond simply gathering static configuration data, as the Klein patent teaches,

The Klein patent, cited by the Examiner, does not teach nor disclose the above steps. Klein does not actually teach testing any device, capturing data indicative of the test result, formatting the data, and displaying it to the user and support specialist. All that the Klein patent teaches is the gathering of configuration data concerning how a computer or device or program is initially configured or set up. The focus of the Klein patent is thus upon displaying static configuration information so that a support specialist can determine if the computer has been mis-configured. The focus is not upon performing tests and then formatting and displaying the results of the testing, which is what the claims under examination call for. Klein calls the gathered configuration information “diagnostic data” (Klein patent abstract, line 1) The Klein

patent text and drawings contain no actual testing, gathering of test data, formatting the test data, and then displaying the formatted test data to users and support specialists.

For example, Klein's Figure 4 at 420 presents examples of the type of data which Klein gathers in the case of devices: interrupt numbers (the assignment of hardware interrupt channels to devices); input/output memory (as opposed to RAM memory) address space assignments; video card resolution settings, RAM memory assignments, and color assignments; and mouse port assignments (what serial port a mouse is assigned to). Clearly, none of this static configuration data is generated as the result of device testing. Further examples can be found throughout the text of the Klein patent. Klein teaches gathering data concerning "memory and other physical resources allocated to application processes" (col. 4, lines 26-27); "interrupt signals assigned to devices" (col. 4, lines 63-67); "browser ... access to a network adapter" (col. 5, lines 18-21); "detailed information about computer peripheral devices, software, user-specific configuration parameters and other parameter information stored in one or more computer system configuration databases and data files" (col. 5, lines 38-42). None of this relates to capturing, formatting, and displaying the results of actual testing.

Accordingly, the claims as amended are not anticipated by the Stedman, *et al.* patent, and they are not rendered obvious by the combination of the Stedman, *et al.* and Klein patents. There is simply no teaching in either patent or in both patents of gathering actual device test result data through operating system calls, formatting this data, and displaying it to the user and to a support specialist. In view of this, applicants respectfully request reconsideration and allowance of all the claims in the application as amended.

C. Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

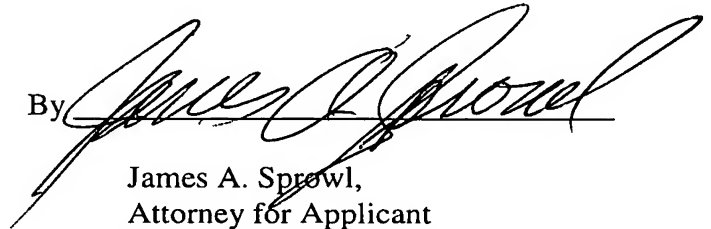
Respectfully submitted,

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7/25/2007

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